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January 2, 2004

U.S. Patent and Trademark  
2011 South Clark Place  
Customer Window, Mail Stop Patent Application  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Re: New Continuation Patent Application in U.S.  
Applicant(s): Beka SOLOMON et al  
Title: AGENTS AND COMPOSITIONS AND METHODS UTILIZING SAME USEFUL  
IN DIAGNOSING AND/OR TREATING OR PREVENTING PLAQUE FORMING  
DISEASES  
Am's Docket: SOLOMON=2B.2

Sir:

Attached herewith is the above-identified application for Letters Patent including:

- ☒ Application Data Sheet  
☒ Specification (118 pages), claims (4 pages), abstract (1 page) and Sequence Listing (10)  
☒ 28 Sheets Drawings (Figures 1-31)  
☒ FORMAL ☐ Informal  
☒ Declaration and Power of Attorney (2 pages)  
☐ Newly executed ☒ Copy from prior application no. 09/629,971  
☒ The paper copy of the Sequence Listing in this application is identical to the computer-readable copy of the Sequence Listing filed March 8, 2001, in application no. 09/629,971. In accordance with 37 CFR §1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application.  
☒ Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$\_\_\_ to cover:  
☒ The filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

| CLAIMS AS FILED   |              |              |       |                        |
|---|--------------|--------------|-------|------------------------|
| FOR   | NUMBER FILED | NUMBER EXTRA | RATE  | BASIC FEE<br>\$ 770.00 |
| TOTAL<br>CLAIMS   | 24 - 20      | = 4          | x 18  | 72.00                  |
| INDEPENDENT<br>CLAIMS                                       | 4 - 3        | = 1          | x 86  | 86.00                  |
| <input type="checkbox"/> Multiple Dependent Claim Presented |              |              | + 290 | --                     |
| <input type="checkbox"/> Reduction of 1/2 for Small Entity  |              |              |       |                        |
| TOTAL FILING FEE  |              |              |       | \$ 928.00              |

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- ☐ Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment (for entry after calculation of the filing fee) has been calculated as shown below:

|  | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA | RATE  | CALCULATION |
|--|---|---------------------------------------|------------------|-------|-------------|
| TOTAL                                  |   | -                                     | =                | x 18  |             |
| INDEP.                                 |   | -                                     | =                | x 86  |             |
| [ ] Multiple Dependent Claim Presented |   |                                       |                  | + 290 |             |
| [ ] Reduction by 1/2 for Small Entity  |   |                                       |                  |       |             |
| Total Additional Fee =                 |   |                                       |                  |       |             |

- ☐ Other Fees: \_\_\_\_\_
- ☐ Other Attachments: \_\_\_\_\_
- ☒ Return Receipt Postcard (in duplicate)


The following statements are applicable:

- ☐ Applicant hereby requests that this application not be published pursuant to 35 U.S.C. §122(a). It is certified on behalf of applicant that the invention disclosed in the application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.
- ☐ The benefit under 35 USC §119 is claimed of the filing date of:  
 Application No. \_\_\_\_\_ in \_\_\_\_\_ on \_\_\_\_\_. A certified copy of said priority document ☐ is attached ☐ was filed in progenitor case \_\_\_\_\_ on \_\_\_\_\_.  
 Application No. \_\_\_\_\_ in \_\_\_\_\_ on \_\_\_\_\_. A certified copy of said priority document ☐ is attached ☐ was filed in progenitor case \_\_\_\_\_ on \_\_\_\_\_.  
☒ Domestic Priority: See Application Data Sheet.
- ☒ The present application is a Continuation of prior Application No. 10/162,889, filed June 6, 2002.
- ☒ Applicants hereby expressly state for the record that they do not wish to necessarily be bound to the election which was made in parent application no. 10/162,889. Claims to non-elected inventions in the parent case appear in the present application and it is requested that, if the examiner still believes restriction to be necessary, a restriction requirement be repeated in the present application so that applicants will have another opportunity to decide which group of claims they wish to elect for prosecution in the present application. If a group of claims other than those elected in the parent case is elected in the present application, then the designation of the present application as a continuation will be changed to that as a division.
- ☐ Amend the specification by inserting before the first line the sentence:  
☐ --This is a continuation/division/continuation-in-part of pending parent application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.--  
☐ --The present application claims the benefit of U.S. Provisional Appln. No. 60/\_\_\_\_\_, filed \_\_\_\_\_.--  
☐ --The present application is the national stage under 35 U.S.C. §371 of international application \_\_\_\_\_ which designated the United States[, which international application was published under PCT Article 21(2) in English].--

- ☒ Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ Pursuant to 37 C.F.R. §1.63(d)(2), please delete as inventor(s) the name(s) of \_\_\_\_\_ who is/are not inventor(s) in the present divisional application.
- ☒ The application is (or will be) assigned to: See Application Data Sheet whose address is \_\_\_\_\_.
- ☒ Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior applications 10/162,889, 09/629,971 and 09/473,653, which are relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- ☒ As in the parent application 10/162,889, please associate the present application with Customer No. 001444 and recognize only the practitioners associated therewith.
- ☒ The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:
- ☒ Any additional filing fees required under 37 CFR §1.16.
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☐ The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).
- ☒ Any filing fees under 37 CFR §1.16 for presentation of extra claims.
- ☒ If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR. §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- ☒ The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

By: 

Roger L. Browdy  
Registration No. 25,618

RLB:rd